

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS
March 14, 2016
AGENDA

CALL TO ORDER

Business Meeting, Monday, March 14, 2016, 8:30 a.m., 630 Camp Street, New Orleans, 5th Floor.

Personal Appearances, Monday, March 14, 2016, 1:00 p.m.

Formal Administrative Hearing, Monday, March 14, 2016, 3:00 p.m.¹

PUBLIC SESSION

1. MINUTES/PRIOR MEETINGS/CONFERENCES

Approval of minutes of last meeting.

Status report on action items of prior Board meetings.

Report on assignments to counsel.

2. RULINGS AND ADVISORY OPINIONS

None submitted for this month.

3. COMMUNICATIONS AND INFORMATION

Federation of State Medical Boards; Annual Meeting, Resolution 16-1.

Federation of State Medical Boards; Report of Bylaws Committee.

Lexology Article, "Physician Owed Duty to Nurse Practitioner's Patient.

New York Times Article, "Governors Unite in the War Against Opioids."

4. GENERAL ADMINISTRATIVE MATTERS¹

Financial Matters.

President's Report.

Executive Director's Report.

Athletic Trainer; Request for Formal Review.

Newsletter; Draft.

5. RULES AND REGULATIONS

a. Final – None published since the last meeting of the Board.

b. **Rules/Amendments: Noticed for Intent: Physicians: Complaints and Investigations:** During its October 2015 meeting, the Board considered a draft containing various changes (Sections 8315, 9707, 9709, and 9711) to its proposed rules on Complaints and Investigations of physicians, which were *Noticed for Intent* in the September 2015 edition of the *Louisiana Register*. Following review and discussion the Board voted to proceed with a new rule effort and provide *Notice of Intent* to adopt the changes in the *Register*. Said notice appeared in the December 2015 *Louisiana Register*. No comments or a request for a public hearing were received during the comment period. **Clinical Laboratory Personnel:** At the request of its Clinical Laboratory Personnel ("CLP") Advisory Committee, the Board agreed to undertake a rulemaking effort to amend its CLP Rules to reduce the term of a temporary permit from six months to three months. The Board directed that a draft be prepared and presented for review and approval. In conformity with the Board's direction, a draft was presented for initial review and discussion at its April 2015 meeting. Following further discussion at its May 2015 meeting, the Board voted to provide *Notice of Intent* to adopt the rule amendments. Said *Notice of Intent* appeared in the February 2016 edition of the *Louisiana Register*.

c. **Rules/Amendments under Development:** The following rules are under consideration by the Board. **Midwifery:** The Board considered amendments to the existing rules governing licensed midwife practitioners incorporating changes pursuant to the Louisiana Midwifery Practice Act during the 2012 session of the Legislature,

¹ This item shall be considered in Executive Session.

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updating the rules generally and rearranging sections for ease of reference. The Board reviewed and discussed changes at its January and February 2015 meetings. At its April 2015 meeting, the Board considered a suggestion that a licensed midwife be permitted to continue providing prenatal care to a woman with one prior cesarean section provided arrangements have been made with a physician, documented in the midwife's chart for the planned hospital delivery at the onset of labor. Per the Board's request, the suggested language is attached for the Board's consideration. The Louisiana Midwives Association and other interested stakeholders provided input on the suggested changes. A revised draft was presented for the Board's considerations at its January 2016 meeting and following review and discussion, the Board voted to provide a *Notice of Intent* to adopt the amendments. **Physicians Compounding Medication:** At its December 2014 and January 2015 meetings, the Board reviewed Emergency Rules adopted by the Louisiana State Board of Pharmacy to reflect certain changes in federal law concerning compounded medication. Following review and discussion, the Board elected to undertake a rulemaking effort as to physicians who compound medication in order to insure consistency with federal and state law and regulations. A draft will be presented for initial review and consideration in due course. **Physician Advertising; Board Certification:** At its March 2015 meeting, the Board determined to undertake a rulemaking effort to establish a process for its approval of certifying boards, alternative to the ABMS and AOA, for purposes of physician advertising of *Board Certification*. The Board directed that a draft be prepared and presented for review and approval. In conformity with the Board's direction, a draft was presented for initial review and discussion at its April 2015 meeting. Following further discussion at its May 2015 meeting, the Board voted to provide *Notice of Intent* to adopt the amendments. An additional wording change was discussed at the September 2015 meeting and pre-notice input was received from interest parties at that time. Following review and discussion, the Board elected to defer action on this matter for at least another month to allow further consideration and input by other stakeholders. **Athletic Trainers:** The Board's Athletic Trainer Advisory Committee is working on amendments to the athletic trainer rules to conform them to the 2014 amendments to the Athletic Trainer Practice Act. The Committee's draft has been received and has been reviewed by staff. A revised draft has been submitted to the Advisory Committee for any final input. It is anticipated that a draft will be presented to the Board for consideration in the next several months. **Podiatry; Eligibility for Advanced Practice:** The Podiatry Advisory Committee ("PAC") has requested amendments to the Board's Podiatry Rules to remove the requirements for board certification or eligibility as to an applicant for advanced practice who has completed a three year podiatry medical surgical residency training (PM&S 36) program. The draft was presented during the May 2015 meeting for initial review and discussion and was revised per further input from the Podiatry Advisory Committee. Following discussion and consideration, the Board approved the draft at its August 2015 meeting and voted to provide *Notice of Intent* to adopt the amendments in the *Louisiana Register*. It is anticipated that said notice will appear in the March edition of the *Louisiana Register*. **Podiatry; Histories and Physicals:** During the December 2015 meeting, the Board heard the request of the Louisiana Podiatric Medical Association ("LPMA") and the Board's Podiatry Advisory Committee ("PAC") for a rule-making effort or advisory opinion authorizing the performance of histories and physicals ("H&Ps") by podiatrists in Louisiana. Following discussion, the Board asked the Association and PAC to submit their suggestions to staff for its preparation of a draft rule addressing the topic for its further consideration. Following the receipt of suggestions from the LPMA and the input of other stakeholders and staff, the Board reviewed a draft presented for initial consideration. **Physician Assistants:** Act 453

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(SB 115, Sen. Mills) modified the law governing physician assistants (Pas) in a number of ways. A rulemaking effort will be needed to conform the Board's rules to the changes. In the interim, the law as amended by Act 453 controls any disparity with the rules. In the interim, notification is being posted on the Board's web page as to how a PA may apply for Schedule II controlled substances that have been delegated by a SP. The Board has solicited the input of its PA Advisory Committee and the Louisiana Academy of Physician Assistants respecting the amendments made necessary by virtue of Act 453. **Physicians; Training:** During its December 2015 meeting, the Board received a further report from staff outlining the review and analysis of data which correlates a decrease in disciplinary action with an increase in post-graduate year medical education. It also discussed the PGY requirements of other state medical boards and considered the current requirements in Louisiana for both US and International Medical Graduates. Finally, it considered staff's recommendation that an increase in PGY training should result in a decrease in the amount of discipline. Following lengthy discussion and consideration, the Board asked that a draft rule be prepared for its review that would prospectively require physician applicants to complete an ACGME residency as a prerequisite to medical licensure. A draft will be presented for initial Board review and consideration in the coming months.

EXECUTIVE SESSION

- 1. MALPRACTICE COMMITTEE REPORT**
Professional liability reports.
- 2. REPORTS INVESTIGATIONS/ADJUDICATIONS/LITIGATION**
Recommendation to Commence Investigations.
Investigation reports.
Personal appearance schedule.
- 3. LITIGATION**
Reports on pending appeals/suits/petitions.
- 4. ADJUDICATION REPORT**
- 5. GENERAL DISCIPLINARY MATTERS**
Review of requests for reinstatement to full, unrestricted status, off probation.
Review of request for early reinstatement, off probation.
- 6. LICENSURE AND CERTIFICATION**
Podiatry, Advance Practice, Conservative Treatment of the Ankle.
Occupational Therapist, non-routine applicant.
Physician Assistant, non-routine applicant.
Graduates of US/Canadian Medical Schools
Non-routine applicants.
Review of request for waiver of an examination attempt.
- 7. NEXT MEETING**
Next meeting of the Board – April 11, 12, 2016.